

Amendment to HB 1391-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to pet deposits under a lease or rental agreement.
4

5 Amend the bill by replacing all after the enacting clause with the following:
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7 1 New Paragraph; Security Deposits; Definitions. Amend RSA 540-A:5 by inserting after
8 paragraph IV the following new paragraph:

9 V. "Pet deposit" means funds that are transferred from a tenant to the landlord for the sole
10 purpose of reimbursing a landlord for damage to a rental unit or common areas caused by the
11 tenant's pet.

12 2 New Section; Security Deposits; Pet Deposits. Amend RSA 540-A by inserting after section 6
13 the following new section:

14 540-A:6-a Pet Deposits.

15 I. Notwithstanding RSA 540-A:5 or RSA 540-A:6, in addition to a security deposit of up to
16 one month's rent, a landlord may collect a pet deposit in an amount of up to one-half of one month's
17 rent.

18 II. Except as authorized in RSA 161-F:32, no landlord shall collect or attempt to collect a pet
19 deposit for:

20 (a) A support or service animal to which a person with disabilities would be entitled
21 pursuant to the Federal Fair Housing Act (42 U.S.C. 3604(f)(3)(B)); or

22 (b) An animal which a tenant was permitted to have in her or his household prior to the
23 effective date of this section.

24 III. Any provision of a written lease or rental agreement which provides for a pet deposit
25 shall contain the following language: "NO PET DEPOSIT IS REQUIRED FOR A SERVICE OR
26 SUPPORT ANIMAL TO WHICH A PERSON WITH DISABILITIES IS ENTITLED TO UNDER
27 THE FEDERAL FAIR HOUSING ACT (42 USC 3604 (f)(3)(B))."

28 IV. Except as provided in this section, the provisions of RSA 540-A:7, I and RSA 540-A:8
29 shall apply to pet deposits; provided that for a violation of RSA 540-A:6-a, III, a landlord shall be
30 liable to a tenant who has a pet and has paid a pet deposit, in the amount of \$100.

31 3 Effective Date: This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill adds requirements for the establishment and enforcement of a pet deposit by a landlord under a lease or rental agreement with a tenant.